

REMARKS

Telephone discussions between the Examiner and Dennis Smid (one of the applicant's undersigned attorneys) were held on October 7, 2008. The applicant and Mr. Smid wish to thank the Examiner for her time and consideration for such discussions.

Claims 1-11, 20, and 31 have been canceled. Claims 13-19 and 22-28, amended claims 12, 21, 29, 30, and 32, and new claims 33-47 are in this application.

Initially, it should be noted that claim 32 has been amended herein so as to change the phrase "A storage memory" to "A computer storage device" as suggested by the Examiner during one of the October 7 discussions. Further, additional changes to each of independent claims 29, 30 and 32 have also been incorporated herein in response to requests from the Examiner during the October 7 discussions.

Claims 12-15, 21-24, 29-30, and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,500,989 (Dahod).

Each of independent claims 29, 30, and 32 has been amended herein in the manner discussed during the October 7 discussions. As an example, amended independent claim 29 now recites in part the following:

"in which a size of said control packet **is always smaller** than a size of said data packet." (Emphasis added.)

As discussed during the October 7 discussions, it is respectfully submitted that Dahod as applied by the Examiner does not appear to specifically disclose the above feature now recited in claim 29. That is, in explaining the 102 rejection of claim 29, the Examiner appears to rely on Figs. 2 and 3J and 3K to disclose the present control packet and data packet. As

discussed during the October 7 discussions, and as best understood, it appears that such portions of Dahod indicate that the control packet of Dahod (e.g., Fig. 3K) may be the same size or even larger than that of the data packet of Dahod (e.g., Fig. 3J). In this regard, Fig. 2 of Dahod states that the size of the "data or control" portion is "96-32,624" bits. As such, it only appears that the number of bits in such portion fall within this range. As is to be appreciated, the number of bits in such data or control portion could be selected such that the control packet of Dahod may be the same size or even larger than that of the data packet of Dahod.

For reasons similar to those previously described with regard to claim 29, it is also respectfully submitted that amended independent claims 30 and 32 are also distinguishable from Dahod as applied by the Examiner.

Claims 12-15 and 21-24 are dependent from one of independent claims 29 and 30. Accordingly, it is also respectfully submitted that dependent claims 12-15 and 21-24 are also distinguishable from Dahod as applied by the Examiner for at least the reasons previously described.

Claims 16-19 and 25-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of U.S. Patent No. 5,646,941 (Nishimura et al.).

Claims 16-19 and 25-28 are dependent from one of independent claims 29 and 30. Accordingly, it is also respectfully submitted that dependent claims 16-19 and 25-28 are also distinguishable from Dahod as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Nishimura to overcome the above-described deficiencies of Dahod. Accordingly, it is respectfully submitted that claims 16-19 and 25-28 are

distinguishable from the applied combination of Dahod and Nishimura.

New independent claims 33-35, 39-41, and 45-47 along with new dependent claims 36-38 and 42-44 have been added herein.

New independent claims 33-35 include the recitation "in which said control packet does not include a data information field" as discussed during the October 7 discussions. As discussed during such discussions, it is respectfully submitted that Dahod as applied by the Examiner does not disclose such feature. That is, and as indicated above, the control packet of Dahod appears to always have a data information portion. New claims 45-47 include similar features.

New dependent claims 36-38 include the recitation "in which the size of said control packet has a maximum value of approximately 77 bits" as discussed during the October 7 discussions. As discussed during such discussions, it is respectfully submitted that Dahod as applied by the Examiner does not disclose such feature. That is, the size of the control packet of Dahod appears to be substantially larger than the size specifically recited in claims 36-38. New claims 42-44 include similar features.

New independent claims 39-41 are believed to be distinguishable from Dahod as applied by the Examiner for reasons similar to those previously described with regard to claim 29.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

Application No.: 10/720,007

Docket No.: SONYJP 3.0-1225 RE

that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 27, 2008

Respectfully submitted,

By 

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